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Resolve, To Review Changing the Duties of the State Board of Education

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State Board of Education was established in 1949 as an advisory board to the Commissioner of Education; and

Whereas, the roles and responsibilities of the State Board of Education have since been expanded in numerous ways that have expanded its mission beyond its original advisory role to the point where the mission of the current State Board of Education includes developing education policy and advocating for education policies; and

Whereas, it is essential to review the operations of the State Board of Education in order to ensure that the policymaking roles and responsibilities of the executive and legislative branches of State Government are properly aligned and balanced; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Review of duties of State Board of Education. Resolved: That the Commissioner of Education shall convene a stakeholder group to review the duties currently assigned to the State Board of Education, referred to as "the state board" in this resolve, and develop recommendations to change, as necessary, the role of the state board in order to align its responsibilities as an advisory board with current statutes and rules. The stakeholder group review must consider provisions in the Maine Revised Statutes, Title 20-A, chapter 5 and any other provisions in Title 20-A and other statutes and rules where the state board is referenced; and be it further

Sec. 2 Stakeholder group. Resolved: That the members of the stakeholder group are appointed as follows:

1. Appointments by the Speaker of the House. The Speaker of the House of Representatives shall appoint the following 6 members:

- A. Two members of the House of Representatives serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest numbers of members in the House;
- B. One person representing the Maine School Superintendents Association or its successor organization;
- C. One person representing the Maine School Boards Association or its successor organization;
- D. One person representing the Maine Education Association, or its successor organization; and

E. One person representing the Maine Principals' Association or its successor organization; and

2. Appointments by the President of the Senate. The President of the Senate shall appoint the following 5 members:

A. Two members of the Senate serving on the Joint Standing Committee on Education and Cultural Affairs, one from each of the 2 political parties having the greatest number of members in the Senate;

B. One person representing the Maine Administrators of Services for Children with Disabilities or its successor organization;

C. The Commissioner of Education or the commissioner's designee; and

D. The chair of the state board or the chair's designee.

Legislative members are entitled to legislative per diem and reimbursement of expenses for their attendance at authorized meetings of the stakeholder group; and be it further

Sec. 3 Chairs. Resolved: That the first appointed member of the Senate is the Senate chair and the first appointed member of the House is the House chair; and be it further

Sec. 4 Report. Resolved: That the stakeholder group shall prepare and submit a report, including its findings and recommendations developed pursuant to section 1, to the Joint Standing Committee on Education and Cultural Affairs by December 1, 2009. The Joint Standing Committee on Education and Cultural Affairs may introduce legislation, as appropriate, to the Second Regular Session of the 124th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.